

CHAPTER 243

TRADE PRACTICE ["PITTSBURGH PLUS"]

H. F. 131

AN ACT relating to a committee supervising steel trade practice.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section five hundred fifty-three point twenty-four
2 (553.24), Code 1975, is repealed.

Approved April 16, 1975

CHAPTER 244

MARRIAGE

S. F. 192

AN ACT relating to age requirements of applicants for marriage licenses, and to legitimacy of children born of certain marriages.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section five hundred ninety-five point two (595.2), Code
2 1975, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **595.2 Age.** A marriage between a male and a female each eigh-
5 teen years of age or older is valid. A marriage between a male and a
6 female either or both of whom have not attained that age may be valid
7 under the circumstances prescribed in this section.

8 1. If either party to a marriage falsely represents himself or herself
9 to be eighteen years of age or older at or before the time the marriage
10 is solemnized, the marriage is valid unless the person who falsely repre-
11 sented his or her age chooses to void the marriage by making his or her
12 true age known and verified by a birth certificate or other legal evi-
13 dence of age in an annulment proceeding initiated at any time before
14 he or she reaches his or her eighteenth birthday. A child born of a mar-
15 riage voided under this subsection is legitimate.

16 2. A marriage license may be issued to a male and a female either or
17 both of whom are sixteen or seventeen years of age if:

18 a. The parents of the underaged party or parties certify in writing
19 that they consent to the marriage. If one of the parents of any under-
20 aged party to a proposed marriage is dead or incompetent the certifi-
21 cate may be executed by the other parent, if both parents are dead or
22 incompetent the guardian of the underaged party may execute the cer-
23 tificate, and if the parents are divorced the parent having legal custo-
24 dy may execute the certificate and

25 b. The certificate of consent of the parents, parent or guardian is ap-
26 proved by a judge of the district court or, if both parents of any under-
27 aged party to a proposed marriage are dead, incompetent or cannot be
28 located and the party has no guardian, the proposed marriage is ap-
29 proved by a judge of the district court. A judge shall grant approval
30 under this subsection only if he finds the underaged party or parties
31 capable of assuming the responsibilities of marriage and that the mar-
32 riage will serve the best interest of the underaged party or parties.

33 Pregnancy alone does not establish that the proposed marriage is in
 34 the best interest of the underaged party or parties, however if pregnan-
 35 cy is involved the court records which pertain to the fact that the fe-
 36 male is pregnant shall be sealed and available only to the parties to
 37 the marriage or proposed marriage or to any interested party securing
 38 an order of the court.

39 c. If a parent or guardian withholds consent, the judge upon appli-
 40 cation of a party to a proposed marriage shall determine if the consent
 41 has been unreasonably withheld. If the judge so finds, the judge shall
 42 proceed to review the application under subsection b of this section.

1 SEC. 2. Section five hundred ninety-five point three (595.3), subsec-
 2 tion two (2), Code 1975, is amended to read as follows:

3 2. Where either party is under eighteen years of age, unless a certifi-
 4 cate of the consent of the parents is filed the marriage is approved by
 5 a judge of the district court as provided by section five hundred
 6 ninety-five point two (595.2), subsection two (2), of the Code. If one
 7 of the parents is dead such certificate may be executed by the survivor.
 8 If either parent is incompetent or his presence is unknown, the judge of
 9 the district court having jurisdiction in the county may, after hearing,
 10 upon proper cause shown, execute such certificate. If both parents are
 11 dead the guardian of a minor may execute the certificate but if the mi-
 12 nor has no guardian then the judge of the district court having juris-
 13 diction in the county may, after hearing, upon proper cause shown,
 14 execute the certificate. If the parents are divorced, the parent having
 15 legal custody may execute the certificate.

1 SEC. 3. Section five hundred ninety-five point nine (595.9), Code
 2 1975, is amended to read as follows:

3 **595.9 Violations.** If the clerk issues a license in violation of the
 4 provisions of section 595.8, or if If a marriage is solemnized without its
 5 being procured *procuring a license*, the clerk so issuing the same, and
 6 the parties married, and all persons aiding them, are guilty of a misde-
 7 meanor and shall be punished by a fine not exceeding one hundred
 8 dollars, or by imprisonment in the county jail not exceeding thirty
 9 days.

1 SEC. 4. Section five hundred ninety-five point eighteen (595.18),
 2 Code 1975, is amended to read as follows:

3 **595.18 Issue legitimized.** Illegitimate children become legiti-
 4 mate by the subsequent marriage of their parents. *Children born of a*
 5 *marriage contracted in violation of sections five hundred ninety-*
 6 *five point three (595.3) or five hundred ninety-five point nineteen*
 7 *(595.19) of the Code are legitimate.*

1 SEC. 5. Section five hundred ninety-five point eight (595.8), Code
 2 1975, is repealed.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code